

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

H. LUNDBECK A/S, TAKEDA)	
PHARMACEUTICAL COMPANY LTD.,)	
TAKEDA PHARMACEUTICALS U.S.A.,)	
INC., TAKEDA PHARMACEUTICALS)	
INTERNATIONAL AG, and TAKEDA)	
PHARMACEUTICALS AMERICA, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 18-88 (LPS)
)	CONSOLIDATED
ALKEM LABORATORIES LTD., et al.,)	
)	
Defendants.)	

JOINT STATUS REPORT

Pursuant to the Court's December 7, 2020 Order (D.I. 974), the parties submit this status report concerning the trial date for this consolidated action:

PLAINTIFFS' STATEMENT

On July 6, 2020, at the parties' request, the Court rescheduled the trial of this action. The trial is currently scheduled for January 4-8 and January 26-29, 2021. (D.I. 829.) We understand that the trial of another case that had been scheduled for the weeks of January 11 and 18, 2021 has recently been taken off the Court's calendar. Plaintiffs request that the trial of this action be rescheduled for dates in January slightly distanced from the upcoming holiday period. A short postponement of the start of trial would assist trial preparation for the parties, counsel and the witnesses while permitting them to enjoy some of the holiday period.

Beginning trial later in January would also ease the burden of compliance with Covid-19 restrictions and protocols, such as those requiring quarantining and/or testing, which may affect trial participants leading up to trial and between trial weeks. Perhaps more importantly,

consolidating the trial to consecutive weeks would reduce the amount of travel required for witnesses and lawyers who plan to travel to be present with their respective trial teams, thereby reducing Covid-19 related risks associated with transportation during an anticipated rise in Covid-19 infection rates.

Plaintiffs are available for trial during the weeks of January 11, January 18 and January 26, 2021, or any portions thereof, subject to the Court's availability.

DEFENDANTS' STATEMENT

Defendants agree that it would be advantageous to conduct trial on consecutive days, to the extent possible, and are available at the Court's convenience during January. Defendants also agree that a short postponement of the start of trial would be preferential and beneficial to address the recent spike in COVID-19 infection rates and resulting complications relating to quarantine and travel restrictions.

Defendants request that the trial be conducted over 10 days (70 hours), if possible, to avoid prejudice to any party, given that eight defendants remain in this litigation, with more than 25 experts for plaintiffs and defendants opining on invalidity and noninfringement issues related to multiple patent families, many of which will be appearing to address issues specific to an individual party.

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